

Message Text

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FM SECSTATE WASHDC

TO DEPT OF JUSTICE

UNCLAS STATE 198618

FOLLOWING REPEAT ADDIS ABABA 3417 ACTION SECSTATE AUG 4

QUOTE NCLAS ADDIS ABABA 3417

E.O. 11652 N/A

TAGS: ACLM, ET, US

SUBJECT: POSSIBLE TORT CLAIM CONCERNING TRAFFIC ACCIDENT
INVOLVING DEPARTMENT EMPLOYEE

REF: (A) ADDIS 3169 (B) ADDIS 2487 AND (C) STATE 191048

1. IN DIRECT RESPONSE TO QUESTION POSED IN PARA. 4 OF
REFTEL, C, WILLS WAS NOT REPEAT NOT OPERATING THE EMBASSY
VEHICLE WHILE ACTING WITHIN THE SCOPE OF HIS OFFICE OR
EMPLOYMENT. HOWEVER, HE WAS OPERATING THE VEHICLE UNDER A
POST-APPROVED POLICY SINCE JULY 1976 AND NOT PROHIBITED UNDER
6 FAM 237.1-4(E) WHICH STATES QUOTE UPON PRIOR APPROVAL OF THE
EMBASSY GENERAL SERVICES OFFICER, AUTHORIZED EMPLOYEES WHO ARE
IN POSSESSION OF A VALID ETHIOPIAN DRIVER'S LICENSE, MAY BE
ASSIGNED A DESIGNATED SELF-DRIVE OFFICIAL VEHICLE, FOR
IN-TOWN PERSONAL USE DURING WEEKENDS AND HOLIDAYS, AND
WILL BE PERMITTED TO RETAIN CUSTODY OF THE ASSIGNED
VEHICLE AT THEIR RESIDENCE OVERNIGHT UNQUOTE.

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2. THE BACKGROUND OF THIS AUTHORITY IS THE RESTRICTION ON
THE IMPORTATION OF PRIVATELY-OWNED VEHICLES INTO ETHIOPIA
CAUSED BY THE WAR. THE PRIVILEGE WAS EXTENDED IN ORDER
TO ALLOW AMERICAN EMPLOYEES SOME MEASURE OF FREEDOM OF
MOVEMENT WHEN OFF DUTY. WILLS HAD THE BAD LUCK TO BE
ASSIGNED A VEHICLE WHICH HAD ERRONEOUSLY BEEN OMITTED

FROM THE FLEET POLICY. HAD THIS NOT BEEN THE CASE, THE INSURANCE COMPANY WOULD BE FACING THE POSSIBLE TORT CLAIM.

3. HAD WILLS BEEN OPERATING THE VEHICLE WITHIN THE SCOPE OF HIS OFFICE OR EMPLOYMENT, HE WOULD HAVE BEEN LIABLE UNDER THE LAW OF ETHIOPIA. AS DESCRIBED IN REFTTEL, A, WE EXPECT THE CLAIM TO EXCEED DOLS. 1,000, WHICH MIGHT HAVE BEEN THE AMOUNT UPON WHICH THE POST COULD HAVE SETTLED.

4. TWO POINTS SEEM WORTHY OF REVIEW. WHILE THE EMBASSY DOES NOT CONSIDER THAT WILLS WAS OPERATING THE VEHICLE IN A NEGLIGENT MANNER, IT BELIEVES THAT THE ETHIOPIAN COURTS WILL. FURTHER, THAT HE WAS OPERATING THE VEHICLE UNDER A POST APPROVED POLICY DICTATED AND FORCED BY LOCAL CONDITIONS AND EVENTS.

5. THE DEPARTMENT ASKS IN PARA. 6 OF REFTTEL. C WHETHER THE USG, IF A PRIVATE PERSON, WOULD BE LIABLE IN THIS CASE. THE ANSWER IS YES. CHAPIN. UNQUOTE CHRISTOPHER

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